



THE CITY OF NEW YORK  
**LAW DEPARTMENT**  
100 CHURCH STREET  
NEW YORK, NY 10007

ZACHARY W. CARTER  
Corporation Counsel

USDC SDNY  
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February 21, 2017

**BY ECF and E-Mail**

Honorable Katherine Polk Failla  
United States District Judge  
United States District Court  
Southern District of New York  
40 Foley Square, Room 2103  
New York, New York 10007  
[Failla\\_NYSDChambers@nysd.uscourts.gov](mailto:Failla_NYSDChambers@nysd.uscourts.gov)

**MEMO ENDORSED**

Re: Price v. Simmons, et al.,  
15-CV-5871 (KPF)

Your Honor:

I am a Senior Corporation Counsel in the New York City Law Department and the attorney assigned to represent the City of New York, Inspector Obe, and Ms. Brooks in the above-captioned matter.<sup>1</sup> I write to respectfully request an additional week from February 21, 2017 to February 28, 2017 to oppose plaintiff's motion for reconsideration. In light of this request, I also ask that the conference, currently scheduled for February 27, 2017, be adjourned until a date after March 9, 2017. Plaintiff, who is *pro se*, consents to this request. In light of defendants' request, plaintiff has requested another week to respond to our pre-motion letter, and we consent to this request.

On January 31, 2017, the Court Ordered the City to file any opposition to plaintiff's Motion for Reconsideration by today, February 21, 2017. As Your Honor may recall, plaintiff initially filed her federal lawsuit on July 24, 2015 (See Civil Docket Entry No. 2). Following

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<sup>1</sup> Please take further notice that this case is assigned to Assistant Corporation Counsel Debra March, who was admitted to the New York State Bar on February 15, 2017, and whose admission to the Southern District of New York is pending. Ms. March may be reached directly at 212-356-2410 or [dmarch@law.nyc.gov](mailto:dmarch@law.nyc.gov)

four amended Complaints, two of which have been struck from the record, and numerous Court Orders, plaintiff filed a motion for reconsideration of the latest decision to strike her proposed Fourth Amended Complaint on January 26, 2017. (See Civil Docket Entry No. 47). This office has been working diligently on our opposition to plaintiff's motion for reconsideration. However, due to the extensive record, we are requesting more time to present the issues clearly for the Court. In addition, I will be on vacation from March 2, 2017 until March 8, 2017. I am therefore requesting that the conference be adjourned until I return from vacation.

No previous request for an extension of time to oppose plaintiff's motion has been made by defendants the City, Inspector Obe, and Ms. Brooks. Accordingly, we respectfully request that the Court, extend our time to respond to the motion until February 28, 2017 and adjourn the conference until a date after March 9, 2017. Plaintiff has notified us that she is unavailable for a conference on March 10, March 14, and March 27. This office has not previously made any applications for the relief sought herein. Thank you for your consideration of this request.

Respectfully submitted,  
/S  
Elissa B. Jacobs  
*Senior Corporation Counsel*

*A copy of this Order was mailed by Chambers to:*

Kelly Price  
534 W. 187th Street  
Apt. 7  
New York, N.Y.  
10033

Application GRANTED. Each of Plaintiff's deadline and Defendants' deadline is extended to February 28, 2017. The conference currently scheduled for February 27, 2017, is hereby adjourned to March 14, 2017, at 10:00 AM.

In response to an inquiry recieved by telephone from Plaintiff, the Court further advises that the March 14 conference will be a public proceeding. Anyone may attend the proceeding, but only the parties and their counsel will be permitted to participate in it.

SO ORDERED.



Dated: February 21, 2017  
New York, New York

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HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE